

REMARKS

I. Claims in the Case

Claims 1-6, 8-9, 11-12, 20 and 22 are canceled, new claims 30-32 added and claims 7, 13, 21, 23-24, 26 and 28 have been amended. Claims 7, 10, 13-19, 21 and 23-32 are pending and under examination, of which claims 15, 17-19 are withdrawn.

II. Rejections Under 35 U.S.C. §112, First Paragraph

The Action first rejects claims 5, 7, 13, 14, 16, 23, 24, and 26-29 on the basis of written description, stating only that the claims “remain” rejected and that Applicant “fails to address the written description rejection for claims 5, 7, 13, 14, 16, 23, 24 and 26-29.

In response, Applicants have reviewed the previous Office Action dated 9/14/05 and find that the Examiner is mistaken in that no such rejection has been entered. For example, in the 9/14/05 Action, on page 2, there is a section 112, 2nd paragraph, rejection of claims 10, 21 and 25, which specifies that it can be overcome by deposit of ZME-018. Then, at the bottom of page 2/top of page 3, there is a rejection on only claim 10 under section 112, 1st paragraph (written description), on a similar basis. Then, on page 4, there is a rejection of claims 21 and 25 on a similar basis. In short, there was no pending section 112 rejections with respect to claims 5, 7, 13, 14, 16, 23, 24 and 26-29.

The Examiner was contacted on March 30, 2006 regarding the foregoing discrepancy, and Applicants’ undersigned representative was advised that the written description rejection with respect to claims 5, 7, 13, 14, 16, 23, 24 and 26-29 was in error and to disregard.

III. Prior Art Rejections

The Action next sets forth a number of various prior art rejections. Applicants note that claim 26 was not included in this series of rejections. Thus, without conceding any of the points or allegations raised by the Action with respect to the cited art, Applicants have elected in the present application to proceed with the subject matter of dependent claim 26, and have placed this claim into independent form, canceled the previous independent claim 5, and modified the dependencies accordingly. These amendments place all of the claims free of the art.

Applicants reserve the right and note their intention to proceed with the subject matter of claim 5 in a future continuing application.

IV. Withdrawn Claims

In view of the allowability of current claim 26, which is now the only independent claim, Applicants request rejoinder of withdrawn claims 14-15 and 17-19. Applicants have taken the liberty to amend the dependency of claim 20, such that each of claims 14-15 and 17-19 depend directly or indirectly from independent claim 26, and thus should all be free of the prior art.

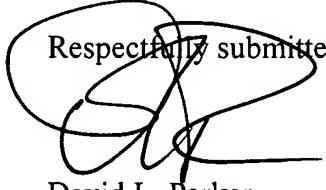
It is noted that claims 8-9, 20 and 22 have been canceled. This was done in that although these particular antibodies, while well described in the scientific literature and, we understand, readily available to practitioners, have apparently not been deposited with a culture depository. In any event, the remaining generic claims cover the use of these antibodies. This amendment should thus progress the case towards allowance.

V. Conclusion

For the foregoing reasons, it is submitted that the present case has been shown to be in condition for allowance.

The Examiner is invited to contact the undersigned attorney with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,


David L. Parker
Reg. No. 32,165
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201
(512) 536-4598 (facsimile)

Date: May 1, 2006